

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**ROBERT CARSON**

**PETITIONER**

vs.

**CIVIL ACTION No.: 3:18-CV-603-HTW-LCG**

**BURL CAIN, acting as  
Commissioner of the Mississippi  
Department of Corrections**

**RESPONDENT**

**ORDER DISMISSING HABEAS CORPUS PETITION**

BEFORE THIS COURT is the Report and Recommendation of the United States Magistrate Judge [Docket no. 17] issued by Magistrate Judge John C. Gargiulo. In his Report and Recommendation, filed on April 16, 2021, Magistrate Judge Gargiulo recommended that the Petition for Writ of *Habeas Corpus* [Docket no. 1] be DISMISSED. Magistrate Judge Gargiulo directed the *pro se* petitioner to file any objections within fourteen (14) days. The petitioner has failed to file any objection to date.

Based upon the findings and recommendation contained in the Report and Recommendation [Docket no. 17], this court finds it well-taken. Magistrate Judge Gargiulo carefully examined petitioner's entire Petition, identified the operative issues and cogent facts and crafted a well-versed Report and Recommendation. Therefore, this court hereby ADOPTS the Report and Recommendation of the Magistrate Judge as the order of this court.

This order, commensurately, hereby **DISMISSES** this lawsuit **WITH PREJUDICE**. The parties are to bear their own costs.

A final order adverse to the petitioner having been filed in the captioned *habeas corpus* case, in which the detention complained of arises out of process issued by a federal court or a proceeding pursuant to 28 U.S.C. § 2254, the court, considering the record in the case and the

requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, hereby finds that:

A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.

**SO ORDERED AND ADJUDGED this the 17<sup>th</sup> day of June, 2021.**

s/ HENRY T. WINGATE  
**UNITED STATES DISTRICT COURT JUDGE**